## IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

IN RE:	)(	
	)(	
ANTHONY R. GARCIA,	)(	
	)(	Case No. 15-43635-13
Debtor,	)(	
	)(	

#### MOTION TO MODIFY STAY TO PROCEED WITH DIVORCE

# TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Anthony R. Garcia, Debtor in the above entitled and numbered cause, hereinafter referred to as "Movant", and files this Motion to Modify Stay in the above entitled and numbered Chapter 13 bankruptcy proceeding in order to proceed with a divorce action and in support thereof would respectfully show the Court as follows:

- 1. Movant filed this bankruptcy petition under Chapter 13 of the United States Bankruptcy Code on or about September 8, 2015.
- 2. Movant wishes to file a divorce action in the District Court of Tarrant County, Texas, against Siria Garcia.
- 3. Movant is requesting this Court to modify the stay for the purpose of allowing him to move forward with this divorce proceeding.

- 4. The District Court of Tarrant County, Texas is the proper forum for determination of the interests of the parties and for any divorce action to be filed or finalized between the Movant and Siria Garcia.
- 5. Siria Garcia does not oppose the Motion to Modify Stay to Proceed with Divorce, see attached Exhibit A.

WHEREFORE, PREMISES CONSIDERED, Movant prays that this Court enter an Order modifying the automatic stay in order to permit the Movant to proceed with a divorce action against Carlston Roberts and permit the District Court of Tarrant County, Texas, to proceed with the entry of any all orders necessary and proper in the divorce proceeding between the Movant and Carlston Roberts.

Respectfully Submitted,

/s/ Stacey Coe D'Lizarraga

Truman E. Coe
Bar No. 0016200
Stacey Coe D'Lizarraga
Bar No. 015541
2720 N. Stemmons Freeway
Suite 1202 South Tower
Dallas, Texas 75207
(214)688-0203

ARPROVED:

WHONY R. GARCL

SIRIA GARCIA

Truman E. Coe
Bar No. 0016200
2720 N. Stemmons Freeway
Suite 1202 South Tower
Dallas, Texas 75207
(214)688-0203
Facsimile (214)688-0164

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ANTHONY R. GARCIA,	)(	Case No. 15-43635
Debtor	)(	

## AFFIDAVIT OF SIRIA GARCIA

#### STATE OF TEXAS

COUNTY OF Tarrant

**BEFORE ME**, the undersigned notary public personally appeared Siria Garcia, who, after being by me first duly sworn according to law, upon her oath deposes and says:

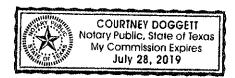
- 1. My name is Siria Garcia. I am over the age of eighteen and I have personal knowledge of the matters contained in this affidavit and they are true and correct.
- 2. I do not oppose the pending Motion for Relief filed by the Debtor, Anthony R. Garcia, in the above styled case for the purpose of moving forward in the divorce proceeding between myself and the Debtor.

Siria Garcia

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SUBSCRIBED AND SWORN before me the undersigned notary public on this

the 11th day of November 2015.

Courtney Doggett



#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been forwarded to all creditors listed on the mailing matrix and on the parties below via Electronic Notice and/or by depositing the same with the United States Postal Service first class mail on the 19th day of November, 2015.

Pam Bassel Chapter 13 Trustee 7001 Blvd 26, Suite 150 North Richland Hills, TX 76180

William T. Neary, U.S. Trustee 1100 Commerce St., Rm 9C60 Dallas, TX 75242

/s/ Stacey Coe D'Lizarraga

STACEY COE D'LIZARRAGA